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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/538,680	06/10/2005	Brian Douglas Chapman	DC5061 PCT 1	3661
137 7590 09/28/2007 DOW CORNING CORPORATION CO1232 2200 W. SALZBURG ROAD P.O. BOX 994 MIDLAND, MI 48686-0994			EXAMINER LOEWE, ROBERT S	
			ART UNIT 1709	PAPER NUMBER
			NOTIFICATION DATE 09/28/2007	DELIVERY MODE ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

patents.admin@dowcorning.com

## Office Action Summary

Application No.

10/538,680

Applicant(s)

CHAPMAN ET AL.

Examiner

Robert Loewe

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 10 June 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date 6/10/05.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### *Claim Objections*

Claim 1 is objected to for the following reason: Formula (II) has an extra “(” [line 2 of formula (II)] and should be removed. Appropriate correction is required.

Claim 3 is objected to for the following reason: the term “-RSi(OSiR<sub>3</sub>)<sub>2</sub>” does not satisfy the valency requirement for silicon. Appropriate correction is required.

Claim 4 is objected to for the following reason: “groups derived by are derived by hydrosilylation” is incorrect and should be changed to --groups derived by hydrosilylation--. Appropriate correction is required.

Claim 7 is objected to since it is a duplicate of claim 6. Appropriate correction is required.

### *Claim Rejections - 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1, 2, 6, 8, 10 and 12-13 are rejected under 35 U.S.C. 102(e) as being anticipated by Nakayoshi et al. (US application 2002/0099114).

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The applied reference has a common assignee with the instant application. Based upon the earlier effective U.S. filing date of the reference, it constitutes prior art under 35 U.S.C. 102(e). This rejection under 35 U.S.C. 102(e) might be overcome either by a showing under 37 CFR 1.132 that any invention disclosed but not claimed in the reference was derived from the inventor of this application and is thus not the invention "by another," or by an appropriate showing under 37 CFR 1.131.

Claim 1: Nakayoshi et al. teaches a method comprising (1) heating in the presence of a catalyst, a mixture comprising (i) at least one organohydrogensilicon compound containing at least one silicon-bonded hydrogen atom per molecule or a reaction product obtained by mixing in the presence of a platinum group metal-containing catalyst at least one organohydrogensilicon compound containing at least one silicon-bonded hydrogen atom per molecule and at least one compound having at least one aliphatic unsaturation where in each case the organohydrogensilicon compound is described by formula (I) of instant claim 1 (paragraphs 0076-0081) with (ii) at least one endblocker described by formula (IV) of instant claim 1 (paragraphs 0059-0066) so as to cause polymerization of components (i) and (ii) to form silicon-bonded hydrogen containing branched polymers. Nakayoshi et al. further teaches that component (i) can be present such that an excess of Si-H groups to alkenyl groups results (paragraph 0025); therefore, Nakayoshi teaches the claim limitation "to form silicon-bonded hydrogen containing branched polymers".

Claim 2: Nakayoshi et al. further teaches that b is an integer of 2 or 3 (paragraph 0076).

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Claim 6: Nakayoshi et al. further teaches that R' is independently chosen from alkyl and alkenyl (paragraphs 0059-0066) and component (ii) is added between 3 and 1000 parts by weight based on 100 parts by weight of component (i) (paragraph 0025).

Claim 8: Nakayoshi et al. further teaches that component (i) is the reaction product obtained by mixing in the presence of a platinum group metal-containing catalyst at least one organohydrogensilicon compound containing at least one silicon-bonded hydrogen atom per molecule and at least one compound having at least one aliphatic unsaturation (paragraphs 0078-0080).

Claim 10: Nakayoshi et al. further teaches a silicon-bonded hydrogen containing branched polymer made by the method of claim 1 (paragraphs 0024-0027 and 0107).

Claim 12: Nakayoshi et al. further teaches a composition comprising the silicon-bonded hydrogen containing branched polymer of claim 10 (paragraphs 0024-0027 and 0107).

Claim 13: Nakayoshi et al. further teaches a composition comprising the silicon-bonded hydrogen containing branched polymer of claim 10, a Si-alkenyl crosslinker, a platinum-group containing catalyst (paragraphs 0024-0027 and 0107), and an inhibitor (paragraph 0097).

Claims 1-13 are rejected under 35 U.S.C. 102(e) as being anticipated by Asch et al. (US application 2002/0111491).

The applied reference has a common inventor with the instant application. Based upon the earlier effective U.S. filing date of the reference, it constitutes prior art under 35 U.S.C. 102(e). This rejection under 35 U.S.C. 102(e) might be overcome either by a showing under 37 CFR 1.132 that any invention disclosed but not claimed in the reference was derived from the

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inventor of this application and is thus not the invention "by another," or by an appropriate showing under 37 CFR 1.131.

Claim 1: Asch et al. teaches a method of heating in the presence of a catalyst, a mixture comprising an organohydrogen silicon compound of formula (I) of instant claim 1 with an endblocker described by formula (IV) of instant claim 1 so as to cause polymerization of components (i) and (ii) to form silicon-bonded hydrogen containing branched polymers (examples 1-18).

Claims 2-5: Asch et al. further teaches identical structures found in instant claims 2-5 (structures of paragraph 0063).

Claim 6: Asch et al. further teaches that component (ii) is added in amounts from 3 to 1000 parts by weight based on 100 parts by weight of component (i) (example 1).

Claim 8: Asch et al. further teaches that component (i) is the reaction product obtained by mixing in the presence of a platinum group metal-containing catalyst at least one organohydrogensilicon compound containing at least one silicon-bonded hydrogen atom per molecule and at least one compound having at least one aliphatic unsaturation (example 16).

Claim 9: Asch et al. further teaches the method of instant claim 1 which further comprises (2) mixing in the presence of a platinum group metal-containing catalyst, the silicon-bonded hydrogen containing branched polymers from step (1) with (iv) at least one material having at least one aliphatic unsaturation to form a branched polymer (examples 16-18).

Claim 10: Asch et al. further teaches a silicon-bonded hydrogen containing branched polymer made by the method of instant claim 1 (examples 9-12).

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Claim 11: Asch et al. further teaches a branched polymer made by the method of claim 9 (examples 16-18).

Claim 12: Asch et al. further teaches a composition comprising the silicon-bonded hydrogen containing branched polymer of instant claim 10 (paragraph 0137).

Claim 13: Asch et al. further teaches a composition comprising the silicon-bonded hydrogen containing branched polymer of instant claim 10, a Si-alkenyl crosslinker, a platinum-group containing catalyst, and an inhibitor (paragraph 0137).

#### ***Relevant Art Cited***

The prior art made of record and not relied upon but is considered pertinent to applicants disclosure can be found on the attached PTO-892 form.

#### ***Correspondence***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Robert Loewe whose telephone number is (571) 270-3298. The examiner can normally be reached on Monday through Friday from 9:30 AM to 7:00 PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mark Eashoo can be reached on (571) 272-1197. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

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applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

RSL  
27-August-2007



MARK EASHOO, PH.D.  
SUPERVISORY PATENT EXAMINER

17/Sy/07